

In the Matter of Merchant Mariner's Document No. Z-338499-D4 and
All Other Seaman Documents

Issued to: Edward F. Leasgang

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1404

Edward F. Leasgang

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 27 September 1961, an Examiner of the United States Coast Guard at Mobile, Alabama suspended Appellant's seaman documents for twelve months upon finding him guilty of misconduct. The allegations in nine specifications were proved by evidence that while weaving as an able seaman on the United States SS ROBIN and SS OCEAN EVELYN under authority of the document above described, between 8 September and 29 December 1960, Appellant failed to perform his duties due to intoxication of five occasions; he failed to assist in securing the vessel for sea at two foreign ports; Appellant was absent once from his duties without permission; and he failed to join the OCEAN EVELYN upon her departure from port.

Appellant acknowledged receipt of the charges on 8 September 1961 but he did not appear at the hearing on 14 September as ordered or contact the Coast Guard authorities at Mobile. As a result, the hearing was conducted in absentia and the Examiner entered pleas of not guilty on behalf of Appellant.

The Investigating Officer introduced in evidence entries from the Official Logbooks of the two ships.

After the hearing was completed except for service of the Examiner's decision, attempts to locate Appellant and serve the decision were not successful until 2 April 1963.

Appellant states, on appeal, that he was never in trouble concerning the quality of his work or for fighting during more than twenty years at sea. Appellant says he did not appear at the hearing because he felt there would be no way to disprove the statements entered in the logbooks. He requests a modification of the order and claims that he has joined Alcoholics Anonymous.

OPINION

The logbook entries constitutes substantial evidence of the offenses. The entries are proper in all respects as to form (see 46 U. S. Code 702) and there was no attempt to rebut them at the hearing. Appellant waived his opportunity to disprove the entries when he failed to appear at the hearing.

Regardless of the quality of Appellant's work as an able seaman, the lack of the proper quantity of work, as indicated by the above offenses, may not be condoned. Appellant also has an extensive prior record of similar offenses. For these reason and also because merchant ships are not the proper place for the rehabilitation of seamen, the order of twelve months' outright suspension will not be modified.

ORDER

The order of the Examiner dated at Mobile, Alabama, on 27 September 1961, is AFFIRMED.

D. McG. Morrison
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D.C., this 15th day of July 1963.